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EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 1st December, 1967:—

I

BILL No. XVII OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.

2. In the preamble of the Constitution, after the word "sovereign" the word "secular" shall be inserted. Amendment of the preamble.

STATEMENT OF OBJECTS AND REASONS

The people of India have accepted the secular way of life and secularism has become an integral part of Indian democracy. It is, therefore, desirable and necessary that this concept be enshrined in the Constitution

Hence this Bill.

S. K. VAISHAMPAYEN.

II

BILL No. XVI OF 1967

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:-

1. This Act may be called the Hindu Marriage (Amendment) Act, 1967. Short title.

2. In section 5 of the Hindu Marriage Act, 1955, in clause (iii) for the words "eighteen years" and "fifteen years", the words "twenty-five years" and "twenty years", respectively, shall be substituted. Amendment of section 5.

STATEMENT OF OBJECTS AND REASONS

India is faced today with the serious question of population explosion. All efforts must be made to check this growth.

If the marriageable age of boys and girls is raised, the rate of growth of population can be checked considerably. An amendment to the Hindu Marriage Act, 1955 has become urgently necessary to achieve this desirable object.

Hence this Bill.

S. K. VAISHAMPAYEN.

III

BILL No. XVIII OF 1967

A Bill further to amend the Antiquities (Export Control) Act, 1947.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Antiquities (Export Control) Amendment Act, 1967. Short title.

31 of 1947. 2. In section 2 of the Antiquities (Export Control) Act, 1947 (hereinafter referred to as the principal Act), for clause (*a*), the following clause shall be substituted, namely:— Amendment of section 2.

"(*a*) 'antiquity' includes—

(*i*) any coin, sculpture, manuscript, epigraph, or other works of art or craftsmanship,

(*ii*) any article, object or thing detached from a building or cave,

(*iii*) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,

(*iv*) any document, manuscript or record, whether it is or it is not of a public nature, but is of historical value and importance,

(*v*) any article, object or thing declared by the Central Government by notification in the Official Gazette to be an antiquity for the purposes of this Act,—

which has been in existence for not less than one hundred years, provided that in the case of a document, manuscript or record referred to in sub-item (*iv*) above, it should have been in existence for not less than seventy-five years or is of national importance even though of more recent date;".

Substitution of new section for section 6.

3. For section 6 of the principal Act, the following section shall be substituted, namely:—

Power to determine whether or not an article is an antiquity.

"6. If any question arises whether any article, object, thing or document is or is not an antiquity for the purposes of this Act, it shall be referred either to the Director General of Archaeology in India or the Director of National Archives of India, as the case may be, and his decision thereon shall be final."

Amendment of section 7.

4. In section 7 of the principal Act—

(*a*) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the procedure for granting licence for the export of antiquities, and in the case of documents, manuscripts or records referred to in sub-clause (*iv*) of clause (*a*) of section 2, such rules may further prescribe that except where there is specific permission to the contrary, the originals of the same shall not

be exported without copies being made thereof and deposited in an appropriate place as may be prescribed; and

(*b*) fix the fees payable on applications therefor.";

(*ii*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or in the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

STATEMENT OF OBJECTS AND REASONS

The provisions in the Antiquities (Export Control) Act, 1947, have been found to be most inadequate to prevent the export of historical documents and records from this country. The term "antiquity" as now defined by the Act does not specifically cover historical documents, manuscripts and records. This Bill seeks to enlarge the said definition so as to specifically include in it historical documents and records which have been in existence for not less than seventy five years, or are of national importance even though of more recent origin. In respect of documents, manuscripts or records, permitted to be exported under licence, provision is also sought to be made in the Bill for copies thereof being made and deposited in an appropriate place before such permission is granted. The Bill also provides for reference being made to the Director of National Archives of India as the requisite competent authority to determine whether any document, manuscript or record should or should not be treated as antiquity for the purposes of this Act.

GULABRAO RAGHUNATHRAO PATIL.

EXPLANATORY MEMORANDUM REGARDING DELEGATED LEGISLATION

When under any circumstances permission for the export of any historical document, manuscript or record has to be given, it is deemed essential that at least copies of the same should be available in the country even after the export of the original, and as such requisite direction is being given in clause 4(*i*) of this Bill to provide in the rules for the compulsory making and depositing of such copies in the prescribed appropriate place save when specific permission to the contrary has been granted.

The question of the requisite control of the export of the valuable objects of antiquarian or historical interest from this country is of vital importance and provision is therefore made in clause 4(*ii*) that the rules made under this Act be laid before both Houses of Parliament so that these will be subject to proper scrutiny of Perliament itself. The delegation of legislative power is thus of a normal type.

B. N. BANERJEE,
Secretary.

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